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No idle matter

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After Judy Frazer moved into the Shelburne's affordable housing complex in September 2004, she discovered a downside. Just across Cynosure Drive from her unit, a few hundred feet away, were some busy loading docks.

As tractor-trailer trucks pulled off U.S. 7 and waited their turns, their engines were idling. When they loaded or unloaded, their engines were still idling. Some trucks spent the night there, idling the whole time.

Frazer was concerned about pollution -- "the air becomes saturated with the smell of the diesel fuel," she said -- so she undertook an anti-idling letter-writing campaign. A turning point came when she happened to see a "No Idling" sign at Shelburne Community School. She knew then she wasn't the only one who saw problems with idling -- in fact, she had plenty of company.

Others include the U.S. Environmental Protection Agency, state air pollution control divisions around the country, school principals, the Lung Association and other clean-air advocates.

An anti-idling drumbeat has quickened nationwide in the last few years, as researchers learn more about the toxicity of exhaust -- particularly, diesel exhaust -- and the links between bad air and poor health.

Apart from the waste of fuel, unnecessary idling contributes to:

Air pollution and its associated health hazards. All standard vehicles emit toxic and carcinogenic chemicals in their exhaust. Burlington's air is hardly pristine. Some of the city's bad air blows in from other places, but much of it comes from vehicles here. The level of ambient benzene, a carcinogen, has been well above the state's health standard for years. Levels of ground-level ozone (smog) and fine particulates -- a primary pollutant in diesel exhaust -- are also concern in Chittenden County.

Greenhouse gases. All gasoline- and diesel-powered vehicles emit gases believed to contribute to climate change, principally carbon dioxide.

The question of when idling is "unnecessary" can be answered in divergent ways. Many states and cities -- Vermont not among them -- have adopted three-minute or five-minute limits, with designated exceptions.

Posing perhaps the nation's thorniest idling challenge is the tractor-trailer truck of the sort that Frazer noticed idling all night. Long-haul truckers sleep in their cabs, and the interior heating and air conditioning runs off their idling engines -- unless the cabs have auxiliary units, which are expensive to install. Or unless they pull into one of the few truck stops in the country that can provide heating/cooling and electrical service in the cab for an hourly fee that's lower than the cost of burning a gallon of diesel an hour overnight. (There are no such truck stops in Vermont.)

The prospect of an anti-idling rule that would prevent a trucker from sleeping in strikes truck owner Alden Cross of Milton as outrageous.

"Nobody in their right mind is going to crawl into a freezer to go to sleep," Cross said, adding that any law that prevents running the engine to keep the interior warm "is treating a trucker like a second-class citizen."

As for school buses, Edward A. Miller, lobbyist for the Vermont Truck & Bus Association, points out that their cabs have to be warm when they pick up basketball players just out of the shower, in wintertime.

For other drivers, the question of idling necessity can be a little different. Is it necessary before you drive to work to idle your car until the interior temperature rises, say, from 35 to 70 degrees? Is it necessary to keep a waiting transit bus idling continuously to maintain the inside temperature -- particularly in winter, when passengers tend to leave their coats on anyway?

A fact of life?

Idling is so commonplace in and around Burlington that drivers commonly express surprise when they are questioned about it. For many, idling is the norm -- delivery trucks, school buses between runs, utility trucks, CCTA buses at the Cherry Street stop, taxicabs waiting for customers, cars in driveways, cars in parking lots.

On a mild afternoon, Nov. 17, a tree-service truck with a lift is being used to hang Christmas lights along the Church Street Marketplace. The truck is idling in the same spot for close to an hour -- the engine must idle for the lift to operate. One of the stores nearby has its door propped open to the pleasant weather -- and to the exhaust. Two clerks are working in the store. Does it bother them that a diesel truck is idling just outside, with their door open? No, they say, they don't care. "They do it all the time," says one, of idling trucks on Church Street.

The morning rush, 7-8 a.m. Dec. 8, draws frequent customers to a convenience store in the New North End. The outside temperature is in the low 20s. A Coca-Cola truck is making a delivery, but its engine isn't running. The engine is programmed to shut off automatically. (Moreover, company policy is for truck engines to be shut off on arrival, according to Mark Smith, corporate fleet manager of Coca-Cola Bottling Co. of Northern New England.)

Meanwhile, many of the drivers who pull up to the store leave their vehicles running as they go inside for coffee and maybe a quick chat. Typically, the vehicles -- cars, pickups, SUVs -- are left idling two-three minutes, sometimes longer. Asked when they come out why they've left their vehicles running, they typically cite the temperature ("it's cold"), and some say they're still defrosting their windshields.

Is all that idling really necessary? If a vehicle's engine is warm and the heater is working, a driver can shut the engine off for close to an hour if it's cold outside, and still get the heater working fairly quickly after the engine is turned back on.

Even for buses, the U.S. Environmental Protection Agency, in its "Clean School Bus USA" literature, disputes the "myth" that they must idle "to keep the cabin comfortable":

"Fact: Depending on the weather, many buses will maintain a comfortable interior temperature for a while without idling. Idling is also not an efficient way to keep the cabin warm." A warm-up time of less than five minutes is routinely recommended by manufacturers of "today's school bus engines," EPA states.

No legal limits in Vermont

Of nine states in the Northeast, only Vermont, Rhode Island and Maine have no regulations on idling. Some of the other states' limits apply only to trucks and buses, some to all motor vehicles.

In Vermont, bills to restrict idling of school buses or trucks were introduced in the 2001-02 and 2003-04 legislative sessions, but the bills didn't make it out of committee.

Late in 2003, the state's Air Pollution Control Division began formulating an anti-idling rule that would apply to trucks and buses weighing 10,000 pounds or more. Heavy-duty vehicles were the target, in part, because they had been the main source of complaints the division had received over the years, said Richard Valentinetti, director of the division. Moreover, concern was growing nationally about the toxicity of diesel exhaust, which research was finding to be more hazardous than previously thought.

The division produced a first draft of its anti-idling rule in February 2004 and sought feedback over the next year-and-a-half from dozens of "stakeholders" -- truck and bus owners, school superintendents, municipalities, health advocates, environmentalists, and so on. That initial draft would have limited idling to three minutes, with exceptions that included emergency situations and when ambient temperature was under 10 degrees below zero Fahrenheit.

The harshest feedback came from truck and bus operators and fuel distributors, who argued variously that the rule would hurt tourism (via its effect on tour buses), would put excessive demands on school buses' electrical and heating systems, and would discriminate against long-haul truck drivers who sleep in their cabs.

"Your anti-idling rule is absurd," wrote Cross, owner of Jade Express and three tractor-trailer rigs. "Have you ever tried to sleep outside ... even at 32 degrees?"

The rule went through a dozen drafts before its ultimate edition, dated Aug. 31, 2005. That version set the limit at five minutes within any one-hour period and raised the temperature exception to below 32 degrees, when "idling of the vehicle is necessary to ensure the safety or health of the passengers or driver ..."

In September Tom Torti, secretary of the Agency of Natural Resources, shelved the proposed rule and kicked the issue back to the Legislature. At least two bills limiting idling are expected to be filed this legislative session. The Senate bill would limit school bus idling and refer the task of establishing a rule (with exceptions for cold weather) back to the Agency of Natural Resources.

Torti, who took over as agency secretary after the rule-making process was well under way, said he was reluctant to impose policy by administrative fiat and the Legislature should be involved in a thorough public vetting of the issue. He was also concerned about enforcement. How would the rule be enforced? Who would do it?

Burlington's ordinance

Enforcement of anti-idling laws is spotty in many of the places that have them. The Philadelphia Inquirer surveyed 21 jurisdictions with anti-idling laws -- counties, states and cities, including New York and Philadelphia. Thirteen of them issued 10 or fewer citations during the last year that statistics were available.

Then there's Burlington, where an anti-idling ordinance -- Article III, Section: 20-55(e) -- was enacted 15 years ago and then, seemingly, forgotten. It is not enforced, and apparently, never has been.

Here's the genesis of the Burlington ordinance:

In 1990 Jim Dunn worked in the city attorney's office in City Hall, which fronts on Church Street. He remembers that delivery trucks "would sit there for hours," idling.

"I used to go out and talk to the drivers and ask them to shut it off," said Dunn, who left the city attorney's office in 1991. "They'd say they couldn't do it; it wasn't good for the engines or something.

"Good for the engines. Never mind what's good for people."

So, Dunn decided that "we're going to do something about it." He drew up an anti-idling ordinance. Gene Bergman, then a city councilor (now an assistant city attorney) introduced it. The ordinance bans idling for more than five minutes between April 1 and Nov. 1, with four exceptions, including refrigerated trucks and situations where idling is required for the "health and safety" of the vehicle's occupants.

The City Council approved the ordinance unanimously. In the minutes of the council meeting of Oct. 9, 1990, Bergman said that the ordinance had been reviewed by the police department, CCTA, all city departments, and that major trucking and wholesaling firms had been consulted. He cited New York City's anti-idling law and said the ordinance "will go a long way toward improving the air in a portion of the city." The minutes also state: "The Police Department expressed no opposition and said they would be able to enforce the ordinance."

Fifteen years later, asked about the anti-idling ordinance, Deputy Chief Walt Decker, who has been in the Burlington Police Department 22 years, said he couldn't recall that it had ever been enforced, or even that anyone had complained or asked that it be enforced. (The fine would be \$45.)

Burlington police occasionally do, however, enforce a state law on "Unattended Motor Vehicle" (Title 23, Subchapter 1111): "No person shall permit a motor vehicle to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition and effectively setting the brake, air temperatures permitting ..."

The thrust of the law, which dates from 1973, is not environmental but rather safety and security -- preventing car thefts and runaway cars. The first 11 months of last year, Burlington police issued 12 tickets; the fine is \$79.

As for the Burlington ordinance, Decker said, "that's not a priority." The priorities are safety, traffic laws and driving regulations. Besides, he said, is it reasonable to expect a police officer to stand around for five minutes so he can issue a ticket for an idling vehicle?

Enforcement elsewhere

In Canada, where many cities have anti-idling campaigns, here's how enforcement is handled in Ottawa, where the limit on idling is five minutes: "A citizen who notices this recurring would call our by-law department, who would radio out for an inspector to check it out. If the witness is willing to attest to the idling in court, and the officer witnesses the idling, then a ticket of \$305 is issued," writes Birgit Isernhagen, an environmental planner in

Ottawa, in an e-mail. From January through July, she said, 300 tickets were issued.

New Jersey has had an anti-idling law (three-minute limit) since 1986 but started to get serious about enforcing it in only the last year or so, according to Peg Hanna of the state Department of Environmental Protection. New Jersey's law is unusual in that it penalizes not just of the idling motorist (\$200 fine for a first offense), but of the property owner where the idling takes place. When state inspectors started cracking down, they received plenty of notice when they targeted idling at WaWa, a chain of convenience stores. The inspectors told WaWa they would waive the fine if the stores put up no-idling signs, Hanna said, and the stores complied.

In New Hampshire, which has an anti-idling regulation (five minutes), the emphasis is not on enforcement but on education and outreach, said Mike Fitzgerald, of the Air Resources Division. He said the state's anti-idling program was particularly strong for school buses.

"Compliance by school bus drivers has been extremely high," he said, adding that diesel emissions are a hazard to drivers as well as to passengers. "I tell them they're not just doing this to cut pollution," he said, "but to reduce the health risk to themselves."

As the EPA puts it in a fact sheet on bus idling: "While sitting in an idling vehicle, drivers are exposed to the vehicle's pollution more so than when the vehicle in motion since there is no airflow to vent the emissions."

Vermont has initiated collaborative campaigns to limit school bus idling, including "Breathe Better Vermont" and the ENVISION program, which seeks to promote healthy school environments under Act 125. In 2004, 102 schools and supervisory unions were listed as ENVISION partners, but the extent to which even these schools limit school bus idling is an open question. Prolonged idling has been observed outside two of these schools in Burlington area just in the last month.

Running out

Patrick Hartnett, principal of Westford Elementary School, does not take idling lightly. His office looks out on the parking area, and he has been known to run outside to ask drivers to shut their engines off. He said he hasn't had to do that for a while, perhaps because drivers have gotten the message: The school has a no-idling policy for buses.

Aram Boyajian, a Burlington resident, has done plenty of running outside, but not for school buses. His wife, Cecile, has a chemical sensitivity. Car exhaust can make her sick -- chest pains, throat swelling, even to the point where she has had to go to the emergency room. When someone would drive up to a nearby house on their street and leave the car running, the Boyajians would notice.

"When they'd come out, I'd go out and ask them to turn it off," Aram said. "A lot of people are hostile about it," he said. "It's their car; they don't see why they should do what I tell them."

Dave Polow, a lawyer in Morristown, is a kindred spirit. Eliminating unnecessary idling, he said, is "one thing we can all do" to improve the environment, so he passes out no-idling fliers in town when he gets the chance. Most drivers he encounters shut off their engines when asked, he said.

Polow gets his fliers from the 10 Percent Challenge, a Burlington advocacy group that seeks to limit greenhouse gas emissions. The group proved to be an important ally for Judy Frazer in her effort to contain the diesel idling near her house in Shelburne.

The loading docks where the trucks were idling are at the assembly plant of Country Home Products, across Cynosure Drive from Frazer's residence. Country Home Products, it turned out, was among the businesses who had signed on to the 10 Percent Challenge. The company president and CEO, Joe Perrotto, proved to be sympathetic to Frazer's concern.

Perrotto established a no-idling policy and notified all the trucking companies that serve the plant. He directed the overnights to another site that wasn't near a residential area. It was simply a matter, Perrotto said last week, of "getting the word out."

Frazer, who had kept logs of protracted truck idling over the previous months, was delighted. "They're following it to the letter," she said of the no-idling policy. It's a real success story."